

## SENTENCING MINUTES

DATE: 12/1/2023

CASE NUMBER: 2:23cr76

JUDGE: GIBNEY

CT REPORTER: Jill Trail

INTERPRETER: \_\_\_\_\_

UNITED STATES OF AMERICA

Kevin Comstock, Marc West

v.

COUNSEL

Ali Scott, Jr.

Andrew Sacks

SENTENCING ON COUNT(S): 1, 2

( X ) Criminal Information

( ) Indictment ( ) Superseding Ind.

OBJECTIONS TO PSR: None

PRELIMINARY MATTERS: Arguments heard regarding downward departure. The Court denied the motion.

STATEMENTS MADE BY: GOV'T ( X ) DEFENSE COUNSEL ( X ) DEFT ( X )

ON MOTION OF GOV'T, ( ) INDICTMENT ( ) REMAINING CTS. DISMISSED.

DEFT ADVISED OF RIGHT OF APPEAL within 14 days of today ( X )

DEFT REMANDED TO CUSTODY ( X )

**DEFENDANT TO VOLUNTARILY REPORT TO DESIGNATED INSTITUTION**

ON: \_\_\_\_\_ BY: \_\_\_\_\_

( ) IF NO DESIGNATION MADE, REPORT TO U.S. MARSHAL IN RICHMOND

CASE SET: 9:00 am      BEGAN: 9:08 am      ENDED: 9:34 am      TIME IN COURT: 26 minutes

**PAGE TWO (2)**

**SENTENCE TEXT**

**COUNT 1** IMPRISONMENT 72 MOS. CONCURRENT ( ☒ ) CONSECUTIVE ( ☐ )  
CREDIT FOR TIME SERVED ON THIS CHARGE ( ☒ )  
SUPERVISED RELEASE 7 YEARS  
PROBATION \_\_\_\_\_ YEARS  
FINE \$ \_\_\_\_\_ ( ☐ ) Fine not imposed  
SPECIAL ASSESSMENT \$100.00 due immediately

**COUNT 2** IMPRISONMENT 72 MOS. CONCURRENT ( ☒ ) CONSECUTIVE ( ☐ )  
SUPERVISED RELEASE 3 YEARS CONCURRENT ( ☒ )  
PROBATION \_\_\_\_\_ YEARS CONCURRENT ( ☐ )  
FINE \$ 100.00 ( ☐ ) Fine not imposed  
SPECIAL ASSESSMENT \$ \_\_\_\_\_ due immediately

**COUNT \_\_\_\_\_** IMPRISONMENT \_\_\_\_\_ MOS. CONCURRENT ( ☐ ) CONSECUTIVE ( ☐ )  
SUPERVISED RELEASE \_\_\_\_\_ YEARS CONCURRENT ( ☐ )  
PROBATION \_\_\_\_\_ YEARS CONCURRENT ( ☐ )  
FINE \$ \_\_\_\_\_ ( ☐ ) Fine not imposed  
SPECIAL ASSESSMENT \$ \_\_\_\_\_ due immediately

**CONSENT ORDER OF FORFEITURE MADE A PART OF JUDGMENT IN CASE ( ☒ )**

**RESTITUTION ORDERED:** \_\_\_\_\_

**RECOMMENDATION(S) TO BOP:**

- ( ☒ ) Designate dft. to (a facility near family) Norfolk, Virginia  
( ☒ ) BOP 500-hr intensive drug treatment program, if the defendant qualifies and volunteers  
( ☐ ) UNICOR program ( ☐ ) with \_\_\_\_\_ portion of earnings directed to child support  
( ☒ ) Educational /Vocational training ( ☐ ) SHOCK Incarceration Program ( ☐ ) BRAVE Program  
( ☐ ) OTHER: \_\_\_\_\_

**SPECIAL CONDITIONS of Probation / Supervised Release:**

- X   (1) Incur no new credit without approval of probation officer
- X   (2) Provide probation officer with access to financial information
- X   (3) Participate in drug/alcohol treatment, if deemed necessary and waive all rights of confidentiality regarding treatment to allow release of information to probation;  
            Gov   Pay cost
- (4) Participate in mental health treatment, if deemed necessary and waive all rights of confidentiality regarding treatment to allow release of information to probation;  
                  Pay cost                   Participate in anger management
- X   (5) The defendant shall not consume any alcohol or marijuana, even if it becomes legal
- X   (6) Participate in a program such as Narcotics Anonymous/Alcoholics Anonymous or a similar secular program (any secular equivalent to NA/AA must be approved by the probation officer and the Court.) Dft shall begin attendance within   10 days   of release. Defendant shall attend 90 meetings within 90 days. Defendant shall obtain a sponsor who will confirm the sponsor relationship with the probation officer.
- X   (7) Pay child support in amount ordered by social services or Court.
- X   (8) Defendant shall pay any balance owed on the S/A imposed by the Court  
            X   Pay in installments of not less than \$   5.00   per month,  
                  to begin 60 days after start of supervision until paid in full
- (9) Defendant to apply monies received from tax refunds, lottery winnings, and any anticipated or unexpected financial gains to the Court-ordered financial obligation
- (10) Mandatory drug testing waived;        PO may still administer drug test if appropriate
- (11) Perform community service        HOURS during period of supervision
- (12) Participate in home confinement program for        with monitoring  
                         Permitted to work, attend church, or other approved activities  
                         Maintain telephone without special features; no cordless phone  
                         Pay costs of electronic monitoring
- (13) Defendant to be surrendered to BICE for deportation proceedings  
                         If deported, defendant to remain outside the United States
- (15-19)        Defendant shall register with the state sex offender registration agency in any state where he resides, is employed, a student, etc.,        Defendant shall not own or have a computer in his residence or place of employment. Also, he shall not use a computer to access any online computer services at any location, including employment without the prior approval of the probation officer. This includes any internet service provider bulletin board systems, or any other public or private computer network.        Defendant shall not have any access to or possess any pornographic material, pictures displaying nudity, or magazines using juvenile models or pictures of juveniles under the age of 18 years.        Defendant shall not be in the presence of children under the age of 18 without another responsible adult being present.        Defendant shall not accept any paid or volunteer positions involving children.
- (---) **Other special conditions:**

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